

UNITED STATES OF AMERICA, ) CR. NO. 03-00248 DAE  
)  
Plaintiff, ) **DECLARATION OF COUNSEL**  
)  
vs. )  
)  
SAMUEL M. KAAUWAI, )  
)  
Defendant. )  
\_\_\_\_\_  
)

**DECLARATION OF COUNSEL**

I, EMMETT E. LEE LOY, hereby declare as follows:

1. Your Declarant is the currently assigned counsel for defendant, SAMUEL M. KAAUWAI (Mr. Kaauwai), having been appointed pursuant to the Criminal Justice Act on January 9, 2007;
2. Your declarant has reviewed the files of this case extensively from top to bottom, front to back, and met in person and discussed this case with Mr. Kaauwai at the Federal Detention Center (FDC) Honolulu on Wednesday, January 10, 2007, and again on Tuesday, January 16, 2007;
3. For the Court's information, following the January 10, 2007, meeting with Mr. Kaauwai at the FDC, on Friday, January 12, 2007, your Declarant received a telephone message from Mr. Kaauwai expressing his concern about either a conflict of interest or a potential conflict of interest because your Declarant had mentioned that I knew of a certain person by the name of Tita Blankenfield and that she may be called as a potential witness in the above-entitled federal criminal matter, as a Tita Blankenfield, among others, implicated Mr. Kaauwai

in the instant offenses of the above-entitled matter;

4. Your Declarant attended Kaiser High School for a brief period of time in the Spring of 1976, where your Declarant met a person named Tita Blankenfield;
5. Also, Your Declarant knows a Tita Blankenfield's sister, a certain Kai Blankenfield, whom your Declarant knew while attending the Kamehameha Schools and which same Kai Blankenfield happens to also be friends **AND** classmates with your Declarant's sister;
6. Furthermore, your Declarant knows (that is, if this Tita Blankenfield is the sister of Kai Blankenfield) the father of the Tita and Kai Blankenfield, a certain Mr. Blankenfield, who retired from the Hawaiian Telephone Company;
7. And, your Declarant knows (that is, if this Tita Blankenfield is the sister of Kai Blankenfield) a Kimo Blankenfield-Peleiholani;
8. Although your Declarant considers it both an honor and privilege to serve as a CJA Attorney for the Court and wishes to accommodate the Court to have counsel represent Mr. Kaauwai, this desire by your Declarant to continue to represent Mr. Kaauwai is outweighed by your Declarant's duty to avoid even the mere appearance of a potential conflict of interest at all costs, in order to protect the legal interests of Mr. Kaauwai throughout the remainder of these proceedings in the above-entitled federal criminal matter;

9. As counsel for Mr. Kaauwai, your Declarant would be duty bound to destroy the credibility of Tita Blankenfield;
10. Mr. Kaauwai expressed his concerns and doubts in the January 12, 2007, telephone message and again yesterday on January 16, 2007, that your Declarant's effort to destroy the credibility of Tita Blankenfield may be less than vigorous and fall short of the duties demanded of counsel;
11. Your Declarant wishes to make plain to the Honorable Court the reasons why a withdrawal of counsel should be granted as it would be in the best interest of Mr. Kaauwai as well as in the interests of Justice.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

DATED: Honolulu, Hawaii, January 17, 2007.

/s/Emmett E. Lee Loy  
EMMETT E. LEE LOY  
Attorney for Defendant  
SAMUEL M. KAAUWAI